

An act to add Article 9.5 (commencing with Section 4629) to Chapter 8 of Part 2 of Division 4, and to repeal Section 4629.9 of, the Public Resources Code, and to add Section 6201.9 to the Revenue and Taxation Code, relating to forest resources, and declaring the urgency thereof, to take effect immediately.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 9.5 (commencing with Section 4629) is added to Chapter 8 of Part 2 of Division 4 of the Public Resources Code, to read:

Article 9.5. Timber Regulation and Forest Restoration Fund

4629. The Legislature finds and declares all of the following:

(a) A thriving in-state forest products sector provides public benefits, including employment opportunities in both rural and urban areas, and economic development for rural communities.

(b) Enabling continued economically viable production of forest products is the best way to protect the state's forest lands from conversion to other uses.

(c) The state's forest practice regulations provide some of the highest standards for environmental protection of the state's air, water, habitat, and soil resources.

(d) Consumers of wood products in the state currently do not pay for the state's forest practice program and the costs of protecting the state's natural resources.

(e) Current in-state producers of wood products already bear a significant cost of conforming with the state's environmental laws, which economically disadvantages those producers relative to out-of-state production.

4629.1. The Legislature further finds that the state's forest practice regulatory program needs to develop adequate performance measures to provide transparency for both the regulated community and other stakeholders.



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4629.2. In enacting this article, it is the intent of the Legislature to accomplish all of the following:

(a) Promote and encourage sustainable forest practices consistent with provisions of this chapter in a manner consistent with other laws, including, but not limited to, the Timberland Productivity Act of 1982 (Article 1 (commencing with Section 51100) of Chapter 6.7 of Part 1 of Division 1 of Title 5 of the Government Code), the California Environmental Quality Act (Division 13 (commencing with Section 21000)), the Porter-Cologne Water Quality Act (Chapter 1 (commencing with Section 13000) of Division 7 of the Water Code), and the California Endangered Species Act (Article 3 (commencing with Section 2080) of Chapter 1.5 of Division 3 of the Fish and Game Code).

(b) Ensure continued sustainable funding for the state's forest practice program to protect the state's forest resources, and replace the current piecemeal funding structure with a single funding source.

(c) Support in-state production of timber within the state's high environmental standards, and promote and encourage retention of forests and forested landscapes.

(d) Create a funding source for the restoration of the state's forested lands and promote restoration of fisheries and wildlife habitat and improvement in water quality.

(e) Promote restoration and management of forested landscapes consistent with the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code).

(f) Promote transparency in regulatory costs and programs through the creation of performance measures and accountability for the state's forest practice regulatory



program and simplify the collection and use of critical data to ensure consistency with other pertinent laws and regulations.

(g) Identify and implement efficiencies in the regulation of timber harvesting between state agencies.

(h) Modify current regulatory programs to provide incentives to incorporate best practices, and develop standards or strategies to protect natural resources on a scale larger than historically sized projects.

4629.3. (a) The Timber Regulation and Forest Restoration Fund is hereby created in the State Treasury. All revenues received from the assessment imposed pursuant to Section 6201.9 of the Revenue and Taxation Code, less amounts deducted for refunds and reimbursements, shall be deposited into the fund.

(b) Unless the context requires otherwise, the following definitions shall apply to this article:

(1) "Board" means the State Board of Forestry and Fire Protection.

(2) "Department" means the Department of Forestry and Fire Protection.

(3) "Engineered wood product" means a building product, including, but not limited to, veneer-based sheeting material, plywood, laminated veneer lumber (LVL), parallel-laminated veneer (PLV), laminated beams, I-joists, edge-glued material, or composite material such as cellulosic fiberboard, hardboard, decking, particleboard, waferboard, flakeboard, oriented strand board (OSB), or any other panel or composite product where wood is a component part, that is identified in regulations adopted by the board pursuant to Section 4629.4. For purpose of this paragraph, an "engineered wood product" shall only include products that consist of at least 10 percent wood.



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(4) "Fund" means the Timber Regulation and Forest Restoration Fund.

(5) "Lumber product" means a product in which wood or wood fiber is a principal component part, including, but not limited to, a solid wood product, or an engineered wood product, that is identified in regulations adopted by the board pursuant to Section 4629.4. "Lumber product" does not include furniture, paper products, flooring products such as hardwood, engineered wood, or laminated flooring, bark or cork products, firewood, or other products not typically regarded as lumber products.

(6) "Principal component part" means 10 percent of the total content by volume.

(7) "Qualified nonprofit organization" means any nonprofit public benefit corporation formed pursuant to the Nonprofit Corporation Law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code) qualified to do business in California and qualified for exempt status under Section 501(c)(3), 501(c)(4), or 501(c)(5) of the Internal Revenue Code.

(8) "Recognized tribe" means those entities recognized as eligible to receive service from the United States Bureau of Indian Affairs, as listed in the Federal Register, and those tribes designated in the list of nonrecognized tribes for California by the Native American Heritage Commission.

(9) "State responsibility area" means those areas for which the state has primary fire protection responsibility, as designated by the board in accordance with Section 4125.

(10) "Woody biomass" means woody debris, slash, or other nontimber solid wood forest product that is from range, forest, or timberlands, including range forest or timberland that are Native American tribal lands or lands owned by a Native



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American individual when those lands are held in trust by the United States or are subject to a restriction against alienation imposed by the United States. Woody biomass also means woody green waste or trimmings produced as a result of the management of urban forests.

4629.4. (a) On or before September 1, 2012, the board shall adopt a regulation that interprets and makes specific the lumber products and engineered wood products that the board determines shall be subject to the lumber products assessment imposed pursuant to Section 6201.9 of the Revenue and Taxation Code. The board shall annually update the regulation. The lumber products identified in the regulation adopted shall become subject to the assessment imposed pursuant to Section 6201.9 of the Revenue and Taxation Code on the first day of the quarter commencing more than 60 days after adoption of the regulation.

(b) The board shall adopt any regulations or emergency regulations necessary to implement the provisions of this article in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of title 2 of the Government Code). The board may readopt any emergency regulation authorized by this section that is the same as or substantially equivalent to an emergency regulation previously adopted under this section. The initial adoption of emergency regulations and the one readoption of emergency regulations authorized by this subdivision shall be deemed an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare. The initial emergency regulation and the one readoption of an emergency regulation authorized by this section shall be exempt from review by the Office of Administrative



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Law. The initial emergency regulation and the one readoption of an emergency regulations authorized by this section shall be submitted to the Office of Administrative Law for filing with the Secretary of State and each shall remain in effect for no more than 180 days, by which time final regulations may be adopted. The lumber products identified in the regulation adopted shall become subject to the assessment imposed pursuant to Section 6051.9 of the Revenue and Taxation Code on the first day of the quarter commencing more than 60 days after adoption of the regulation.

4629.5. Moneys deposited in the fund shall, upon appropriation by the Legislature, only be expended for the following purposes:

(a) To reimburse the Board of Equalization for its administrative costs associated with the administration, collection, audit, and issuance of refunds related to the lumber products assessment established pursuant to Section 6201.9 of the Revenue and Taxation Code.

(b) To pay refunds issued pursuant to Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code.

(c) To support the regulatory activities of the department, related to the implementation of this chapter and other programs within the jurisdiction of the department that regulate timberlands and activities related to timber management and harvesting.

(d) To fund all activities by the Department of Fish and Game, the State Water Resources Control Board, and regional water quality control boards associated with project review, inspection, and oversight of projects and issuance of permits necessary to conduct timber operations pursuant to this chapter.



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(e) To fund costs to the State Water Resources Control Board and regional water quality control boards associated with ensuring that management of federal forest lands comply with the provisions of the Porter-Cologne Water Quality Act (Chapter 1 (commencing with Section 13000) of Division 7 of the Water Code).

(f) For transfer to the department's Forest Improvement Program, upon appropriation by the Legislature, for forest resources improvement grants and projects administered by the department pursuant to Chapter 1 (commencing with Section 4790) and Chapter 2 (commencing with Section 4799.06) of Part 2 of Division 4. No funds shall be used to pay for or reimburse any required activities of a project proponent or applicant in connection with any permit, approval, or other entitlement.

(g) For transfer to the department, upon appropriation by the Legislature, for fuel treatment grants and projects pursuant to authorities under the Wildland Fire Protection and Resources Management Act of 1978 (Article 1 (commencing with Section 4461) of Chapter 7 of Part 2 of Division 4).

(h) To provide grants to local agencies responsible for fire protection, qualified nonprofits, recognized tribes, local and state governments, and resources conservation districts, undertaken on a state responsibility area (SRA) or on a local responsibility area that poses a threat to the SRA, to reduce the costs of wildland fire suppression, reduce greenhouse gas emissions, promote adaptation of forested landscapes to changing climate, improve forest health, and protect homes and communities.

(i) To provide grants to subsidize removal and hauling of woody biomass from forest health and fuel treatment projects and provide loans to local government for woody biomass energy or biofuels infrastructure development. No more than 25 percent





of the total funds provided as grants for restoration, on an annual basis, shall be available for disbursements under this subdivision.

(j) To fund restoration grants on timberland under the existing authority of the Department of Fish and Game, the State Water Resources Control Board, and regional water quality control boards.

4629.6. All grants made pursuant to subdivisions (h) and (e) of Section 4629.5 shall fund activities that do either of the following:

(a) Promote climate mitigation strategies included in the California Global Warming Solutions Act of 2006 (Division 25.5 (commencing with Section 38500) of the Health and Safety Code) scoping plan for the forest sector, as adopted by the State Air Resources Control Board, or as amended through subsequent actions of that board.

(b) Promote climate change adaptation strategies for the forest sector, as adopted by the Natural Resources Agency in the California Climate Adaptation Strategy.

4629.7. Each grantee shall certify that each project undertaken pursuant to this article will contribute to meeting climate mitigation goals for reduction of greenhouse gases or contribute to forest health based on achieving adaptation objectives. For projects undertaken by the department, a registered professional forester working for the department as an employee or contractor shall make this certification.

4629.8. Funds deposited in the Timber Regulation and Forest Restoration Fund shall be appropriated in accordance with the following priorities:

(a) First priority shall be for costs associated with the administration and delivery of responsibilities identified in subdivisions (a) to (e), inclusive, of Section 4629.5.



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(b) Second priority shall be, if deposits are sufficient in future years to maintain the fund, by 2016, at a minimum reserve of four million dollars (\$4,000,000), for use and appropriation by the Legislature in years during which revenues to the account are projected to fall short of the ongoing budget allocations for support of the activities identified in subdivision (a).

(c) Third priority shall be in support of activities designated in subdivisions (d) to (j), inclusive, of Section 4629.5.

4629.9. (a) On or before January 10, 2013, and on each January 10 thereafter in conjunction with the 2014–15 Governor’s Budget and Governors’ Budgets thereafter, the Secretary of the Natural Resources Agency, in consultation with the Secretary for Environmental Protection, shall submit to the Joint Legislative Budget Committee a report on the activities of all state departments, agencies, and boards relating to forest and timberland regulation. This report shall include, at a minimum, all of the following:

(1) A listing, by organization, of the proposed total costs associated with the review, approval, and inspection of timber harvest plans and associated permits.

(2) The number of timber harvest plans, and acreage covered by the plans, reviewed in the 2011–12 fiscal year, or the most recent fiscal year.

(3) To the extent feasible, a listing of activities, personnel, and funding, by department, for the forest practice program for 2012–13, or the most recent fiscal year, and the preceding 10 fiscal years.

(4) The number of staff in each organization dedicated fully or partially to (1) review of timber harvest plans, and (2) other forestry-related activities, by geographical location in the state.



(5) The costs of other forestry-related activities undertaken.

(6) A summary of any process improvements identified by the administration as part of on going review of the timber harvest process, including data and technology improvement needs.

(7) Workload analysis for the forest practice program in each organization.

(8) In order to assess efficiencies in the program and the effectiveness of spending, a set of performance measures for, and a plan for collection of data on, the program, including, but not limited to:

(A) The number of timber harvest plans reviewed.

(B) Average time for plan review.

(C) Number of field inspections per inspector.

(D) Number of acres under active plans.

(b) (1) A report required to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

(2) Pursuant to Section 10231.5 of the Government Code, this section is repealed as of January 1, 2018.

4629.10. No later than March 1, 2013, as part of the 2013–14 budget process, the Secretary of the Natural Resources Agency shall submit a report to the Joint Legislative Budget Committee and to the relevant legislative policy committees, including a review of the report required to be submitted to the Joint Legislative Budget Committee pursuant to Section 4629.9. This review shall include recommendations to the budget committees on the future funding structure of the program, the adequacy of the current regulatory programs, and the appropriate funding levels for the program.



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4629.11. (a) Notwithstanding any other law, the revenues in any fiscal year may be accounted for on an accrued basis. The department may borrow against anticipated revenues to the fund to meet cashflow needs.

(b) Notwithstanding any other law, a loan obtained pursuant to subdivision (a) shall be interest free. The department shall repay the loan in a timely manner from reserves received into the fund.

4629.12. (a) The Director of Finance shall transfer, as a loan, up to a maximum amount of two million dollars (\$2,000,000) from the General Fund to the fund, to implement the collection and administration of the charge imposed by Section 6201.9 of the Revenue and Taxation Code.

(b) Any loan made pursuant to this section shall be repaid, with interest at the pooled money investment rate, from revenues from the assessment imposed pursuant to Section 6201.9 of the Revenue and Taxation Code.

4629.13. Notwithstanding any other law, the Controller may use the moneys in the fund for cashflow loans to the General Fund, as provided in Sections 16310 and 16381 of the Government Code. Any such loan shall be exempt from paragraph (2) of subdivision (b) of Section 16310 of the Government Code. Interest shall be paid on all moneys loaned to the General Fund and shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which the money is loaned. This section does not authorize any transfer that would interfere with the carrying out of the object for which these funds were created.

SEC. 2. Section 6201.9 is added to the Revenue and Taxation Code, to read:



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6201.9. (a) In addition to the taxes imposed by this part, for the privilege of selling lumber products, an assessment is hereby imposed upon all retailers at the rate of 1 percent of the gross receipts, from the sale of a lumber product, as defined in paragraph (5) of subdivision (b) of Section 4629.3 of the Public Resources Code, or an engineered wood product, as defined in paragraph (3) of subdivision (b) of Section 4629.3 of the Public Resources Code, sold at a retail location in this state, on and after the operative date of this section.

(b) Notwithstanding subdivision (b) of Section 7102, all revenues collected pursuant to this section, less any refunds or reimbursements, shall be transferred quarterly to the Treasurer to be deposited in the State Treasury to the credit of the Forest Timber Regulation and Forest Restoration Fund established pursuant to subdivision (a) of Section 4629.3, for allocation pursuant to Sections 4629.5 and 4629.8 of the Public Resources Code.

SEC. 3. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that statutory changes necessary to ensure that funding is available, at the earliest possible time, to address forest resource management needs and provide for fire protection and suppression service throughout the state, it is necessary that this act take effect immediately.



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, \_\_\_\_\_.

General Subject: Forest resources management: funding.

(1) The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. A violation of the act is a crime.

This bill would establish the Timber Regulation and Forest Restoration Fund in the State Treasury, and would require that all revenues received from a specified assessment described in (2) below imposed on the retail sale of lumber products, as defined, and engineered wood products, as defined, less amounts deducted for refunds and reimbursements, be deposited into the fund. The bill would require that moneys deposited into the fund be expended, upon appropriation by the Legislature, for specified administrative costs, and for purposes relating to the regulatory activities of the department and other state agencies involved in the management of forest lands, and



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the costs of managing forest resource programs in the state, for certain grants to state and local public agencies, qualified nonprofit organizations, and recognized Indian tribes for fire protection and suppression, and for grants to fund restoration on timberland, as prescribed.

This bill would require the State Board of Forestry and Fire Protection, on or before September 1, 2012, to adopt a regulation that interprets and makes specific the lumber products and the engineered wood products that the board determines shall be subject to the lumber products assessment imposed by the bill, as prescribed.

The bill would require the Secretary of the Natural Resources Agency, on or before January 10, 2013, and each January 10 thereafter, until January 1, 2018, in conjunction with the 2014–15 Governor’s Budget and the Governor’s budgets thereafter, in consultation with the Secretary for Environmental Protection, to submit a report to the Joint Legislative Budget Committee on the activities of all state departments, agencies, and boards relating to forest and timberland regulation. The bill would require the Secretary of the Natural Resources Agency, no later than March 1, 2013, as part of the 2013–14 budget process, to submit a report to the Joint Legislative Budget Committee and relevant legislative policy committees, a review of the aforementioned report.

(2) Existing law imposes a state sales and use tax on retailers measured by the gross receipts from the sale of tangible personal property sold at retail in this state, and a use tax on the storage, use, or other consumption in this state of tangible personal property purchased from a retailer for storage, use, or other consumption in this state, at a prescribed rate.



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This bill would, in addition to any other taxes otherwise imposed by law, impose an assessment upon retailers of lumber products, as defined, and engineered wood products, as defined, at a rate of 1% of gross receipts, from the sale of those lumber products or engineered wood products sold by those retailers at a location in the state, on and after the effective date of the bill, as prescribed.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.



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RN 12 13286 PAGE 1

An act to add Section 13009.2 to the Health and Safety Code, relating to fires.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13009.2 is added to the Health and Safety Code, to read:

13009.2. (a) In a civil action by a public agency seeking damages caused by a fire, the only recoverable pecuniary damages shall be:

(1) Either the restoration and rehabilitation costs associated with bringing the damaged property back to its preinjured state or replacement or acquisition costs of equivalent value, or some combination thereof, if those damages are quantifiable and are not unreasonable in relation to the prefire fair market value of the property, taking into consideration the ecological and environmental value of the property to the public, or the diminution in value of the property as a result of the fire, whichever is greater.

(2) Short-term costs related to immediate damages suffered as a result of the fire, such as burned area emergency response costs, costs associated with discrete restoration activities related to repair and replacement of real property improvements, and remediation and eradication costs relative to invasive species and any other nonnative infestation caused by or exacerbated by sudden burn area conditions.

(b) In addition to the damages authorized by subdivision (a), a public agency may also recover environmental damages caused by the fire, if those damages are quantifiable, are not redressed by the damages set forth in subdivision (a), and are not unreasonable in relation to the prefire fair market value of the property, taking into consideration the ecological and environmental value of the property to the public.

Environmental damages may include:

(1) Lost recreational value.

(2) Lost interim use.



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(3) Lost historical and archeological value.

(4) Damage to wildlife, wildlife habitat, water or soil quality, or plants.

(5) Damage to any rare natural features of the property.

(6) Lost aesthetic value.

(c) A public agency plaintiff who claims <sup>environmental</sup> damages of any kind <sup>as defined in</sup> under subdivision

*subsection* (a) or (b) <sup>of this section may</sup> shall not seek to enhance any pecuniary or environmental damages recovered under this section. This section is not intended to alter the law regarding whether Section 3346 of the Civil Code or Section 733 of the Code of Civil Procedure can be used to enhance fire damages, but this section does confirm that if a public agency claims environmental damages under subdivision (a) or (b), it shall not seek to enhance any damages recovered under this section for any reason, and shall not use Section 3346 of the Civil Code or Section 733 of the Code of Civil Procedure to do so, regardless of whether those sections might otherwise apply. This section is not intended to limit or change the ability of a public agency to recover costs arising from a fire as provided in Sections 13009 and 13009.1.



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RN 12 13284 PAGE 1

An act to add Section 13263.4 to the Water Code, relating to water quality.



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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13263.4 is added to the Water Code, to read:

13263.4. (a) As used in this section:

(1) "Large timberland" means timberland of 20,000 acres or more.

(2) "Riparian zone management plan" is a plan that is designed to eliminate discharges of sediment to waters of the state, control watercourse temperatures by preserving and enhancing watercourse shade, increase large wood inputs, retain, promote, and restore the development of healthy riparian structure and canopy, and assess and address in-stream conditions that may be limiting beneficial uses.

(3) "Road management plan" means a plan that is designed to eliminate discharges or threatened discharges of sediment to waters of the state that may cause a condition of pollution, nuisance, or violation of a basin plan, from the existing or proposed road network and its use.

(4) "Timberland" and "timber owner" have the same meanings as those terms are defined in Article 2 (commencing with Section 4521) of Chapter 8 of Part 2 of Division 4 of the Public Resources Code.

(b) By January 1, 2016, and notwithstanding Section 4514.3 of the Public Resources Code, the appropriate regional board shall issue waste discharge requirements under Section 13263 or a waiver of waste discharge requirements under Section 13269, or amend existing waste discharge requirements or waivers of waste discharge requirements, to require a timber owner or owner of large timberland to develop and implement a road management plan and a riparian zone management plan.



(c) Road management plans and riparian zone management plans under this section shall be developed and implemented on an ownershipwide, districtwide, or watershedwide basis.

(d) The deadline in subdivision (b) applies only if funding is provided for the purposes of meeting the requirements of this section during each of the three fiscal years before January 1, 2016.

(e) In the case of a federally recognized tribe, this section shall apply only to tribal fee lands exterior to that tribe's reservation boundaries that are otherwise subject to state regulatory authority under subdivision (b).



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RN 12 13288 PAGE 1

An act to amend Section 4590 of the Public Resources Code, relating to forestry, and declaring the urgency thereof, to take effect immediately.



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**SECTION 1.** Section 4590 of the Public Resources Code is amended to read:

(2) A timber harvesting plan, on which timber operations have commenced but not been completed, may be extended by amendment for a one-year period in order to complete the timber operations, up to a maximum of two 1-year extensions, if both of the following occur:

(B) All timber operations are in conformance with the plan, this chapter, and all applicable rules and regulations, upon the filing of the notice of extension as required by this section.

(c) Stocking work may continue for more than the effective period of the plan under subdivision (a), but shall be completed within five years after the conclusion of other work.





(d) ~~(1)~~ A timber harvesting plan that is approved on or after January 1, 2010, to ~~December 31, 2011~~ June 30, 2012, inclusive, may be extended by amendment for a two-year period in order to complete the timber operations, up to a maximum of two 2-year extensions, if the plan complies with subparagraphs (A) and (B) of paragraph (2) of subdivision (a) and the notice of extension, pursuant to subdivision (b), includes written certification by a registered professional forester that neither of the conditions in subdivision (e) has occurred.

(2) Notwithstanding the notice provision of subdivision (b), for the purposes of this subdivision, the notice of extension shall be provided to the department, not sooner than 140 days, but at least 10 days, prior to the expiration date of the plan.

(e) The department shall not approve an extension pursuant to subdivision (a) or (d) if either of the following has occurred:

(1) Listed species, as defined in Article 1 (commencing with Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531 et seq.), have been discovered in the logging area of the plan since approval of the timber harvesting plan.

(2) Significant physical changes to the harvest area or adjacent areas have occurred since the timber harvesting plan's cumulative impacts were originally assessed.

(f) An extension of a timber harvesting plan on which either of the conditions in subdivision (e) has occurred may be obtained only pursuant to Section 1039 of Title 14 of the California Code of Regulations. ~~Notwithstanding the notice provision of subdivision (b), for purposes of this subdivision the notice of extension shall be provided~~



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~~to the department, not sooner than 140 days, but at least 10 days, prior to the expiration date of the plan.~~

~~(g) This section shall become operative on January 1, 2012.~~

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

To provide immediate relief to California's timber industry due to the state's economic downturn, allow landowners flexibility in responding to the cyclical demand for lumber during the current economic crisis, and help stimulate California's economy, at the earliest possible time, it is necessary that this act take effect immediately.

